

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RED BARN MOTORS, INC.,	*
DONALD B. RICHARDSON, AND	*
BARBARA A. RICHARDSON	*
VERSUS	*
NEXTGEAR CAPITAL, INC.	*
AS SUCCESSOR-IN-INTEREST TO	*
DEALER SERVICES CORPORATION,	*
LOUISIANA'S FIRST CHOICE	*
AUTO AUCTION, L.L.C.	*

MOTION TO TRANSFER

NOW COMES Defendant, NextGear Capital, Inc., as successor-in-interest to Dealer Services Corporation (hereinafter “NextGear”), through undersigned counsel, who moves the Court to transfer venue for this lawsuit from this Court to the United States District Court Southern District of Indiana as being the federal court for Marion or Hamilton Counties, Indiana pursuant 28 U.S.C. §1404.

In support of this Motion, NextGear submits the attached memorandum in support and further avers that transfer pursuant to 28 U.S.C. §1404(a) is warranted because the agreements between the parties contained valid forum selection clauses. The United States Supreme Court recently held that a motion to transfer pursuant to § 1404 is the proper mechanism to enforce a forum selection clause and that a forum selection clause should be given controlling weight in all but the most exceptional cases. Because there are no conflicting provisions in the forum selection clauses and the clauses were not procured by fraud, this Court should enforce the forum selection clauses and transfer the case accordingly.

WHEREFORE Defendant NextGear respectfully prays that this Motion to Transfer be granted, and for all other relief deemed just and proper.

Respectfully submitted,

ADAMS AND REESE LLP

s/ Robin B. Cheatham

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CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6th day of February 2014 served a copy of the foregoing Motion to Transfer on all counsel of record via electronic service by the court's CM\ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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/s/Robin B. Cheatham

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